

REMARKS

By this Amendment, claims 14-27 and 31 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of claims 14-27 and 31. Claim 1 has been amended. New claims 32-35 have been added. Accordingly, claims 1-13, 28-30, and 32-35 are currently pending in the above-captioned application. Applicants respectfully request the Examiner to reconsider the Application in view of the amendments set forth and the following arguments.

Claims 1, 4-5, and 28-29

The Office Action rejected claims 1, 4-5, and 28-29 under 35 U.S.C. 103(a) as being unpatentable over *INDEX: A Platform for Determining how People Value the Quality of their Internet Access* to Rupp et al. ("Rupp") in view of U.S. Patent No. 5,961,593 to Gabber et al. ("Gabber") and U.S. Patent No. 5,835,915 to Carr et al. ("Carr"). Applicants respectfully disagree with the Office Action's rejection and respectfully traverse this rejection.

Claim 1 recites a method, performed by a computer system, for collecting network usage data about users accessing a network and resources thereon without associating personally identifiable information with the usage data, comprising, among other features, updating a profile record in a database for each anonymized identifier based on the data collected by the collection engine, wherein the data indicates a set of communications for a session between a host and the one or more users that are identified by the anonymized identifier.

Rupp discloses monitoring and recording user traffic on a network at a detailed level for both billing purposes and subsequent offline analysis. See Rupp at section 2.2. The database that monitors and records user traffic contains records for each TCP connection. *Id.* The record for each TCP connection contains an anonymous user ID, time stamp, connection length, source and destination IP addresses, port numbers, etc. *Id.* Therefore, Rupp appears to disclose monitoring user traffic on a network in a database that logs each TCP connection as an individual record.

In contrast, claim 1 recites, among other things, updating a profile record in a database for each anonymized identifier based on the data collected by the collection engine, wherein the data indicates a set of communications for a session between a host and the one or more users that are identified by the anonymized identifier. In other words, a profile record for each anonymized

user is updated and data in that record relates to a set of communications for a session. In contrast, Rupp merely discloses a log file of TCP connections, not a profile of an anonymized user and certainly not a profile record for each anonymized user that is updated and data in the record relates to a set of communications for a session. Accordingly, in addition to the other failings of Rupp acknowledged in the Office Action, Applicants respectfully submit that Rupp fails to teach updating a profile record in a database for each anonymized identifier based on the data collected by the collection engine, wherein the data indicates a set of communications for a session between a host and the one or more users that are identified by the anonymized identifier, as recited in claim 1. Therefore, Rupp fails to teach or suggest all the features of claim 1.

Gabber fails to cure the deficiencies of Rupp. Gabber discloses a proxy system for providing a substitute identifier to a server site that allows a user to browse a server site anonymously via the proxy system. See abstract. The proxy system processes a server site-specific substitute identifier constructed from data specific to a user and transmits the server site-specific identifier to a server site. *Id.* The proxy system also removes portions of browsing commands from the user to the server site that may identify the user to the server site. *Id.*

A proxy system that removes portions of browsing commands is not the same as updating a profile record in a database for each anonymized identifier based on the data collected by the collection engine, wherein the data indicates a set of communications for a session between a host and the one or more users that are identified by the anonymized identifier, as recited in claim 1. Accordingly, even if Gabber was properly combinable with Rupp (which it is not), the combination would still fail to teach or suggest all the features of claim 1.

Carr discloses a remotely located computer system that has a backup database. See Carr at abstract; column 1, lines 1-60. The remotely located computer system provides a higher degree of fault tolerance than conventional shadowed disk storage. *Id.* The remote system is preferably located sufficiently far from the primary system such that a widespread disaster affecting the primary system will not affect the remote system. *Id.*

A remotely located computer system that provides a high degree of fault tolerance is not the same as updating a profile record in a database for each anonymized identifier based on the data collected by the collection engine, wherein the data indicates a set of communications for a session between a host and the one or more users that are identified by the anonymized identifier,

as recited in claim 1. Accordingly, even if Carr was properly combinable with Rupp (which it is not), the combination would still fail to teach or suggest all the features of claim 1.

Accordingly, Applicants respectfully submit that claim 1 is allowable over Rupp, alone or in combination with Gabber and Carr. Claims 4-5 and 28-29 depend from claim 1 and are therefore likewise allowable over Rupp, alone or in combination with Gabber and Carr, for at least the same reasons as claim 1.

Claim 2

The Office Action rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Rupp in view of Gabber and Carr as applied to claim 1 above, and further in view of U.S. Patent No. 6,134,441 to Astrom et al. ("Astrom"). Applicants respectfully disagree with the Office Action's rejection and respectfully traverse this rejection. However, claim 2 depends from amended claim 1 and is therefore likewise allowable over Rupp, alone or in combination with Gabber, Carr, and Astrom, for at least the same reasons as amended claim 1.

Moreover, in the Office Action, Astrom was cited for the narrow purpose of disclosing "the identifier representing the user is an MSIDSN." The Applicants respectfully submit that Astrom does not disclose all of the unique features of claim 2 as discussed above. Accordingly, Applicants submit that claim 2 is allowable over Rupp, alone or in combination with Gabber, Carr, and Astrom, and Applicants respectfully request allowance of claim 2.

Claims 3 and 10-13

The Office Action rejected claims 3 and 10-13 under 35 U.S.C. 103(a) as being unpatentable over Rupp in view of Gabber and Carr as applied to claim 1 above, and further in view of U.S. Patent No. 6,446,200 to Ball et al. ("Ball"). Applicants respectfully disagree with the Office Action's rejection and respectfully traverse this rejection. However, claims 3 and 10-13 depend from amended claim 1 and are therefore likewise allowable over Rupp, alone or in combination with Gabber, Carr, and Ball, for at least the same reasons as amended claim 1.

In the Office Action, Ball was cited for, among other things, the purpose of disclosing the steps of "receiving packets sent by an authentication server and extracting an identifier from the received packets." The Applicants respectfully submit that Ball as discussed in the Office Action does not disclose all of the unique features of claims 3 and 10-13 as discussed above. Accordingly, Applicants submit that claims 3 and 10-13 are allowable over Rupp, alone or in

combination with Gabber, Carr, and Ball, and Applicants respectfully request allowance of claims 3 and 10-13.

Claims 6-9

The Office Action rejected claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over Rupp in view of Gabber and Carr as applied to claim 5 above, and further in view of *Applied Cryptography* to Schneier ("Schneier"). Applicants respectfully disagree with the Office Action's rejection and respectfully traverse this rejection. However, claims 6-9 depend from amended claim 1 and are therefore likewise allowable over Rupp, alone or in combination with Gabber, Carr, and Schneier, for at least the same reasons as amended claim 1.

Further, in the Office Action, Schneier was cited for the narrow purpose of disclosing various hashing functions. The Applicants respectfully submit that Schneier as discussed in the Office Action does not disclose all of the features of claims 6-9 as discussed above. Applicants therefore respectfully submit that claims 6-9 are patentably distinguished over Rupp, alone or in combination with Gabber, Carr, and Schneier, and Applicants respectfully request allowance of claims 6-9.

Claim 30

The Office Action rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over Rupp in view of Gabber and Carr as applied to claim 28 above, and further in view of U.S. Patent No. 6,947,984 to Schweitzer et al. ("Schweitzer"). Applicants respectfully disagree with the Office Action's rejection and respectfully traverse this rejection. However, claim 30 depends from amended claim 1 and is therefore likewise allowable over Rupp, alone or in combination with Gabber, Carr, and Schweitzer, for at least the same reasons as amended claim 1.

Further, in the Office Action, Schweitzer was cited for the narrow purpose of disclosing an aggregation server. The Applicants respectfully submit that Schweitzer as discussed in the Office Action does not disclose all of the features of claim 30 as discussed above. Accordingly, Applicants respectfully submit that claim 30 is allowable over Rupp, alone or in combination with Gabber, Carr, and Schweitzer, and Applicants respectfully request allowance of claim 30.

CONCLUSION

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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